

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10367 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
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BHARATKUMAR M PATEL

Versus

CHIEF TOWN PLANNER

Appearance:

MR RK MISHRA for Petitioner
MR HASMUKH PATEL for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/04/99

ORAL JUDGEMENT

#. As usual, prayer is made from the side of respondents for grant of adjournment of this matter to enable them to file reply to the special civil application, In this case more than sufficient time was available at the disposal of the respondents if they were really desirous of filing reply to the special civil application, but reply has not been filed. Prayer made for adjournment is declined.

#. Heard the learned counsel for the parties. The petitioner, by this special civil application, prayed for issuance of writ of mandamus to the respondents to give him appointment on the post of Planning Assistant on the basis of selection list prepared in the year 1991 and further to direct the respondent authority to fill up the vacancies by operating selection list of Planning Assistant prepared in 1991.

#. It is no more res-integra that a selected candidate has no indefeasible right of appointment and the respondents are within their competence not to act upon the select list but where this act of the respondents has been challenged, heavy burden lies on the respondents to satisfy this Court by giving cogent and satisfactory reasons of not acting on the select list. Precisely, that has not been done in the present case.

#. The respondent No.3 is directed to treat this special civil application to be a representation of the petitioner and in case where the petitioner's prayer is not acceptable, to pass a reasoned order and send a copy of the same to the petitioner by registered post A.D. This exercise has to be undertaken and completed within a period of one month from the date of receipt of writ of this order. The Special Civil Application and Rule stand disposed of accordingly with no order as to costs. Liberty is granted to the petitioner for revival of this special civil application on filing a simple note. A copy of this order be sent to the respondent No.3 along with a xerox copy of the paper-book of this special civil application.

(sunil)